

# EXHIBIT 5

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May 5, 2025

**VIA ELECTRONIC MAIL**

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Re: COEYMANS MARINE TOWING, LLC D/B/A CARVER MARINE TOWING  
as Owner and Operator of M/T Mackenzie Rose (IMO No. 8968765), etc.  
United States District Court, Eastern District of Virginia, Case No. 2:24-cv-00490

Dear Mr. Rodgers:

I write to follow up the depositions of three current Carver employees (Brian Moore, Jarkeis Morrissey, Sharif Porter) and one former Carver employee (Leonard Baldassare) produced by Carver at your offices on April 28-30, 2025. There were numerous documents identified by the deponents that are clearly within the scope of our prior discovery requests which have not been produced, and we want to ensure they are produced by **Friday, May 9, 2025** with the production ordered by Magistrate Judge Leonard. They are listed below with the corresponding document request.

Relevant RFP	Document description	Deponent
1 <sup>st</sup> RFP No. 14	Electronically stored information (“ESI”) versions of photographs of the bridge and barge taken from the M/T MACKENZIE ROSE on June 15, 2024, including all metadata	All – not produced (exhibits 1, 2 are incomplete thumbnail images)

James H. Rodgers, Esq.  
May 5, 2025  
Page 2

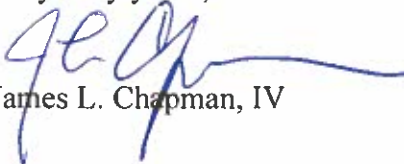
2 <sup>nd</sup> RFP No. 1, 11-14	The entire Safety Management System (“SMS”); this includes every version of the SMS, whether paper or ESI, including any record or log of changes made to it	All – deposition exhibit 4 incomplete
2 <sup>nd</sup> RFP No. 11-14	Health and Safety Plan (“HSP”); this includes every version of the HSP, whether paper or ESI, including any record or log of changes made to it	Brian Moore – deposition exhibit 4 incomplete
2 <sup>nd</sup> RFP No. 11-14	Employee Safety Handbook (“ESH”); this includes every version of the ESH, whether paper or ESI, including any record or log of changes made to it	Sharif Porter – not produced
1 <sup>st</sup> RFP No. 2	Personnel files of the M/T MACKENZIE ROSE crew members; this includes both paper and ESI formats	Brian Moore and Leonard Baldassare – deposition exhibits 8, 10, 12, 14, 16 incomplete
2 <sup>nd</sup> RFP No. 4	Documents pertaining to James Morrissey’s suspension, being placed on administrative leave, discipline, or termination by Carver	Brian Moore – not produced
1 <sup>st</sup> RFP No. 30 & 34	Communications to/from Mr. Baldassare’s work cell phone on June 15-20, 2024; this includes texts, emails, photographs, videos and phone call logs	Leonard Baldassare – not produced
1 <sup>st</sup> RFP No. 30 & 34	Communications to/from Mr. Moore’s work cell phone on June 15-20, 2024; this includes texts, emails, photographs, videos and phone call logs	Brian Moore and Leonard Baldassare – not produced
1 <sup>st</sup> RFP No. 30 & 34	Communications between Mr. Moore and Mr. Baldassare relating to CG-2692 form; this includes drafts, texts, emails, photographs, videos and phone call logs	Brian Moore and Leonard Baldassare – not produced
1 <sup>st</sup> RFP No. 30 & 34	Communications to/from the phone onboard the M/T MACKENZIE ROSE on June 15, 2024; this includes texts, emails, photographs, videos and phone call logs	All – not produced
2 <sup>nd</sup> RFP No. 2	Communications with Tug and Barge Solutions related to Carver’s purchase of the SMS and Helm Connect, including any record or log of changes made to them	Brian Moore and Leonard Baldassare – not produced
1 <sup>st</sup> RFP No. 30	Communications to or with the United States Coast Guard relating to the June 15, 2024 allision	Brian Moore and Leonard Baldassare – not produced
2 <sup>nd</sup> RFP No. 9	Certificate of Inspection of the M/T MACKENZIE ROSE from January 2025	Leonard Baldassare – not produced
2 <sup>nd</sup> RFP No. 3	Annual Review Form from ride-along with James Morrissey	Leonard Baldassare – not produced
1 <sup>st</sup> RFP No. 16 & 26	January 1 – September 30, 2024 Deck Log from M/T MACKENZIE ROSE, whether paper or ESI, including any record or log of changes made to ESI versions	All – exhibits 6, 7, 23 incomplete; rough logs poorly copied
1 <sup>st</sup> RFP No. 16 & 26	January 1 – September 30, 2024 Engine Log from M/T MACKENZIE ROSE, whether paper or ESI, including any record or log of changes made to ESI versions	All – exhibits 20, 22 incomplete; rough logs poorly copied
1 <sup>st</sup> RFP No. 1 & 26	Legible copy of crew hours worked reports	Brian Moore and Leonard Baldassare – exhibit 18 not legible

James H. Rodgers, Esq.  
May 5, 2025  
Page 2

2 <sup>nd</sup> RFP No. 11	Manuals for the autopilot system on the M/T MACKENZIE ROSE, whether paper or ESI	Leonard Baldassare – not produced
1 <sup>st</sup> RFP No. 34	ESI versions of the typed crew statements included within deposition exhibits 9, 11, 13, 15, and 17, including all metadata and drafts	All – not produced
2 <sup>nd</sup> RFP No. 5	ESI and paper versions of 9.2 Near Miss reports for M/T MACKENZIE ROSE	Brian Moore and Leonard Baldassare – deposition exhibits 26, 28, 30 incomplete and poorly copied
2 <sup>nd</sup> RFP No. 6 & 7	Attachments to the 9.5 Incident Report for January 22, 2024	Brian Moore and Leonard Baldassare – deposition exhibit 3 incomplete
2 <sup>nd</sup> RFP No. 6 & 7	9.5 Incident Report for June 15, 2024, including any drafts	Brian Moore and Leonard Baldassare – exhibit 21 incomplete
1 <sup>st</sup> RFP No. 26	7.9 Voyage Planning Form for June 15, 2024, including all attachments	Leonard Baldassare – deposition exhibit 34 incomplete
1 <sup>st</sup> RFP No. 26	9.4 Risk Assessment Form for June 15, 2024	Leonard Baldassare

The above-noted documents are within the scope of documents previously requested which the Court ordered to be produced. They are not, however, intended to limit in any way what Carver must produce to comply with the Court's Order. We look forward to receiving all requested documents, including the ones described above, by **May 9, 2025**.

Very truly yours,



James L. Chapman, IV

JLC/mda

cc: W. Ryan Snow, Esq.  
Mackenzie R. Pensyl, Esq.  
Zachary M. Jett, Esq.  
Mark C. Nanavati, Esq.